

Legal Notice

**If You Are a Medicare Part B Beneficiary
or Heir of a Beneficiary Who Made, or is Obligated to Make
a Co-Payment Through Medicare Part B For the Drugs,**

Blenoxane (*bleomycin sulfate*)

Cytoxan (*cyclophosphamide*)

Etopophos (*etoposide phosphate*)

Paraplatin (*carboplatin*)

Procrit (*epoetin alfa*)

Remicade (*infliximab*)

Rubex (*doxorubicin hcl*)

VePesid (*etoposide*)

Taxol (*paclitaxel*)

Zoladex (*goserelin acetate*)

Class Action Lawsuits May Affect Your Rights

There are class action lawsuits pending in the U.S. District Court for the District of Massachusetts. The name of the lawsuits are *In re: Pharmaceutical Industry Average Wholesale Price Litigation*, Docket No. 01-CV-12257-PBS.

The lawsuits claim that certain drug companies intentionally reported false and inflated average wholesale prices (“AWP”) for certain types of outpatient drugs. The reported AWP’s are used to set prescription drug prices that are paid by Medicare and consumers making Medicare Part B co-payments. The lawsuit asks the Court to award money damages to people who made Medicare Part B co-payments for the drugs. The Court has certified separate Classes against each Defendant. A series of trials will determine the claims against each Defendant. The first trial will begin [Month Date,] 2006 against AstraZeneca.

What Drugs are Covered by the Litigation?

Certain dosages of the drugs listed above made by the Defendants **AstraZeneca, Bristol-Myers Squibb Group** and **Johnson & Johnson Group** are part of the lawsuit (“Covered Drugs”). For a list of the dosages, by drug, visit the Web site or call or write as indicated below.

What do the Defendants say about the lawsuits?

The Defendants say they didn’t do anything wrong. Defendants deny that they are responsible for any of the claims made in the lawsuit and will vigorously defend against these claims. The Defendants deny the factual allegations being made; contend that the lawsuits and damages are precluded under the law; contend that the alleged conduct, if proved, does not violate the 44 consumer protection laws, and that many class members will not be able to prove they paid a doctor for the subject drugs.

Am I Involved in the Litigation?

- You are a member of one or more of the Classes if you made a co-payment under Medicare Part B from January 1, 1991 to January 1, 2005 or have an obligation to make such a co-payment for a Covered Drug, or you are the legal heir of, or legal successor to the rights of a Medicare Part B beneficiary who made such a co-payment.
- You are not included in the Classes if you were a resident of Alabama, Alaska, Georgia, Iowa, Kentucky, Louisiana, Mississippi, Montana or Virginia at the time you made the Medicare Part B co-payment.

- You are also excluded from the Classes if you made flat co-payments (a co-payment that does not differ with the cost of the drug), or you were reimbursed for co-payments or have the right to be reimbursed.

The Court is not suggesting, requesting, or requiring that Medicare Part B beneficiaries who were not billed by their doctors, or who were billed but did not pay, should pay their doctors now or that they are obligated to do so under the Medicare statute.

What Are My Rights as a Member of one or more of the Classes?

- **If you wish to remain a member of the Classes**, you don't need to do anything at this time. If you don't exclude yourself, as a member of one or more of the Classes you'll be bound by whatever happens in the lawsuit, and you won't be able to sue the Defendants on your own about the claims in the lawsuit. Court-appointed Counsel will represent all members of the Classes and will ask the Court to pay their fees and expenses out of any recovery they achieve for the Classes. You may also hire your own attorney at your own cost to speak or appear on your behalf.
- **If you do not wish to participate in one or more of the Classes**, you must mail a personally signed, written request to be excluded to the address below. A mail-in opt-out form is available at www.AWPlitigation.net. You may also request to be excluded from the lawsuit against one or more Defendants and remain in the litigation against the other Defendants. The request must be postmarked by [Month Date, 2006]. If you exclude yourself from one or more of the Classes the lawsuits will not affect you. This means that you will not share in any recovery, if there is one, but you can sue the Defendants about the same claims.

For a Detailed Notice about the Covered Drugs and AWP Litigation

Call toll-free: 1 XXX-XXX-XXXX (Se Habla Español)

or Visit: www.AWPlitigation.net

Or Write: AWP Class Action Litigation, P.O. Box XXX, City, State 00000